

REMARKS

Claims 11-20 are currently active.

Applicant's invention is a method for transmitting a desired digital audio music signal or video signal stored on a first memory to a second memory. The method comprises the steps of either transferring money to or charging a fee by a party controlling use of the first memory from a party controlling use of the second memory; connecting the first memory with the second memory such that the digital signal can pass therebetween; transmitting the digital signal from the first memory to the second memory; and storing the digital signal in the second memory. The party controlling use of the second memory can then utilize the signal on the second memory as desired.

The Examiner has rejected Claims 11-13 under 35 U.S.C. §102(b) as being clearly anticipated by Lightner. Applicant respectfully traverses this rejection.

Referring to Lightner, there is disclosed a vending system for remotely accessible stored information. The vending system includes a central station in which various information stored on master recordings can be selectively accessed by purchasers from any of multiple remote vending machines. The accessed information is reproduced on cartridge type storage media at that vending machine. Once currency or a credit card is received by the vending machine, the selected information is transferred to the cartridge. After transmission is complete,

the cartridge is then ejected from the vending machine and received by the purchaser to be then controlled by the purchaser.

In contradiction, applicant's claimed invention has money transferred, or credit charged "from a party controlling use of the second memory" to a party controlling use of the first memory. In Lightner, the party controlling the master recording is "controlling use of the second memory" up until transmission of the "digital signal from the first memory to the second memory" occurs. "The vending machine includes a high speed duplicator and a quantity of acquirable media, such as blank tape cassettes. The data selected by the consumer is transmitted from the master tape center to the vending machine where it is copied by the duplicator onto the cassette which is then ejected from the machine". See column 2, lines 27-34. It is only after the ejection from the machine that the consumer has control of the "second memory". This is an important distinction since applicant defines his invention as the ability for the "second party" to have transmitted a desired digital signal to the "second memory" that the second party is "controlling". This could be, for instance, some type of recording machine at the home of the "party controlling the second memory" or even at a commercial vending machine but which allows the "party controlling use of the second memory" to supply it to the commercial vending machine and compile a collection of desired signal over time. Lightner teaches the second memory is in the possession of the vending machine and provides no ability to

receive a "second memory" which is controlled by the party providing the "second memory".

Claims 12-14 and 17 are dependent to parent Claim 11 and has all the limitations thereof. Since parent Claim 11 is patentable, so are Claims 12-14 and 17. Accordingly, Lightner does not teach or suggest "transmitting the digital signal from the first memory to the second memory" with the "second party controlling use of the second memory" and does not anticipate applicant's claimed invention.

Moreover, Claims 14, 17 and 19 have the limitation that the "step of transmitting the digital signal from the first memory to the second memory" occurs "at a location determined by the second party controlling use of the second memory". Lightner teaches and suggests that the vending machine is at a location determined by the "first party" (or its agent or representative which is the same thing) and requires the second party to go to the location of the vending machine which is determined by the first party. Claims 14, 17 and 19 are patentable for this additional reason.

Claim 15 is patentable for the reason Claim 11 is patentable. Claim 16, 18 and 20 are dependent to parent Claim 15 and have all the limitations thereof. Since Claim 15 is patentable so are Claims 16, 18 and 20. Moreover, Claims 16, 18 and 20 are additionally patentable for the reasons Claims 14, 17 and 19 are patentable.

Claims 14-20 have been added. Antecedent support for these claims is found in Figure 1.

The figures have been amended to delete superfluous information as shown in red.

The title of the invention has been amended.

The Commissioner is hereby authorized to charge all fees to Deposit Account No. 01-0693. A duplicate copy of this Amendment is enclosed.

In view of the foregoing amendments and remarks, it is respectfully requested that the outstanding rejections and objections to this application be reconsidered and withdrawn, and Claims 11 through 20, now in this application, be allowed.

Respectfully submitted,

ARTHUR HAIR

By Ansel Schwartz
Ansel M. Schwartz, Esquire
Reg. No. 30,587
Alder, Cohen & Grigsby, P.C.
2900 CNG Tower
625 Liberty Avenue
Pittsburgh, PA 15222
(412) 394-4900

Attorney for Applicant

CERTIFICATE OF MAILING

I hereby certify that the correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner of Patents and Trademarks, Washington, DC 20231, on 2/26/90

Ansel Schwartz

Ansel M. Schwartz
Registration No. 30,587

2/26/90

Date